



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Robert Strouse  
Site Director  
Croda, Inc.  
8 Croda Way  
Mill Hall, PA 17751

**FEB 18 2016**

Dear Mr. Strouse:

Upon review of information Croda, Inc. (Croda) previously provided, the United States Environmental Protection Agency (EPA) has determined that more information is required to determine whether a violation of the Clean Air Act (CAA or the Act) has occurred. The EPA hereby requires Croda to provide certain information as part of an EPA investigation to determine the CAA compliance status of Croda's manufacturing facility (the Facility) located at 8 Croda Way, Mill Hall, Pennsylvania 17751.

Pursuant to Section 114(a) of the CAA, 42 U.S.C. Section 7414(a), the Administrator of EPA is authorized to require any person who owns and/or operates an emission source to establish and maintain records, make reports and provide such other information as he may reasonably require for the purposes of determining whether such person is in violation of any provision of the Act. In order for EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to the questions and requests for information regarding your facility in Enclosure 2 of this letter. (See Enclosure 1 for instructions and definitions). All information submitted in response to this request must be certified as true, correct, accurate and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Croda. On the last page of your response(s) to this Questionnaire, please include the certification contained in Enclosure 3.

Failure to provide the required information may result in the issuance of an Order requiring compliance with the requirements, or the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. Section 7413(b). In addition, Section 113(c)(2) of the Act provides that any person who knowingly makes any false material statement, representation, or certification in, or omits material information from any document required pursuant to this Act shall upon conviction be punished by a fine pursuant to Title 18 of the United States Code, or by imprisonment for not more than two years, or both. The information you provide may be used by EPA in administrative, civil and criminal proceedings.

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim.



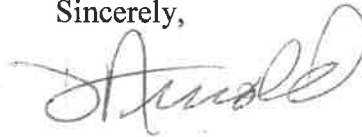
This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this request for information without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

EPA requires Croda to submit the information requested in Enclosure 2 no later than thirty (30) calendar days after receipt of this letter. EPA requires that Croda report any changes or revisions to the information supplied within seven (7) days after the change or revision is made. This requirement to provide EPA with changed or revised information shall remain in effect until EPA provides Croda with written notice of its termination. Please submit your response to this request to:

Ms. Zelma Maldonado, Associate Director  
U.S. Environmental Protection Agency Region III  
Office of Air Enforcement & Compliance Assistance (3AP20)  
1650 Arch Street  
Philadelphia, PA 19103-2029

If you have any questions regarding this information request, please contact Gwendolyn Supplee from Office of Air Enforcement & Compliance Assistance staff at 215-814-2763.

Sincerely,



David L. Arnold, Acting Director  
Air Protection Division



## ENCLOSURE 1

### **A. INSTRUCTIONS**

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request. **Please provide the requested non-narrative information in spreadsheet format, preferably in Excel.**
2. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
3. Provide as much information possible to completely answer each question. This includes all supporting documentation, such as performance test reports, inspection records, memorandums, facility records, etc. Failure to completely respond to any questions may increase the time necessary to determine compliance with all applicable regulations.
4. For each document provided in response to these questions, provide an accurate and legible copy, which can be used to determine the completeness of this request. For any information submitted electronically, clearly label to which question(s) the data is responsive.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

### **B. DEFINITIONS**

- 1) All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. Section 7401 or 40 CFR Part 63.
- 2) EPA Region III includes the states of Maryland, Pennsylvania, Virginia, West Virginia, Delaware and the District of Columbia.



## ENCLOSURE 2

Please provide the information requested below.

1. Please provide the following information related to the annual applicability determinations required by 40 Part §63.1420(e)(3) for non-Polyether Polyol Manufacturing Units (PMPU) that have produced a polyether polyol:
  - a. Please provide the 2014 Notification of Annual Applicability Determination report;
  - b. Please provide the Annual Applicability Determination for 2015;
  - c. Please provide the underlying calculations that show the percent of operating time that each flexible operating unit and PMPU has produced polyether polyol products for the preceding 5-year period for 2013, 2014, and 2015. For the 2013-2015 calculations, include a narrative description of how Croda determined what were considered PMPUs, and what were considered flexible operating units.
2. Please provide a table that lists all PMPU Process units and flexible operating units that manufacture polyether polyols in the first column, and lists their corresponding Leak Detection and Repair (LDAR) Tag Identification numbers in the second column. Croda provided an Excel spreadsheet list of Tag Identification Number's that were color coded to indicate what equipment was considered part of the PMPU and what equipment was monitored voluntarily on May 15, 2015, but this equipment list is not easily cross-referenced to the Unit Identification Numbers (e.g. R-14, R-1, EO Storage Tank, etc.) that Croda has indicated are part of the PMPU, and those units that it is considering flexible operating units.
3. Please provide a schematic of the Ethylene Oxide (EO) and Propylene Oxide (PO) distribution system for each process vessel that uses EO and PO, including LDAR component identification numbers along each distribution system. For each process vessel that uses EO and PO, the schematic should also identify whether it is part of the PMPU, is considered a flexible operating unit for manufacture of polyether polyols, or if it uses EO and PO but does not any produce polyether polyols in the process unit.
4. For each LDAR compliance monitoring event conducted at Croda in 2013-2015, please identify the monitored components that were in Subpart PPP service. Also identify any monitored components that were not in PPP service. For monitored components that were not in PPP service, please indicate whether the components were in organic hazardous air pollutant (HAP) service. For any components monitored for Subpart H compliance that were not monitored in either Subpart PPP or organic HAP service, please identify what product was in the process lines at the time of monitoring.
5. In Croda's March 30, 2015, Information Request response under Item No.1, Croda indicated:

"In accordance with §63.163 and §63.173(d)(4)(i), Croda conducts weekly visual inspections of 19 pumps and 11 agitators that are considered in light liquid service. In addition, Croda conducts monthly monitoring of these pumps and agitators to detect leaks in accordance with 40 CFR Part 63.163(b)(1) and 63.173(a)(1). All of the pumps that are included within Croda's LDAR program are considered subject to Phase III of the

standard as referenced in §63.163(a)(1)(i)(C), §63.163(ii)(B), and §63.1434(h). . . . Of the 19 pumps that are inspected, 11 are vacuum pumps sealed with water that do not meet the definition of “*In light liquid service*” specified in §63.161. However, Croda has elected to inspect and monitor these pumps as a conservative approach to complying with Subpart H. In addition, four (4) of the pumps associated with the PO, EPI, DMS, and MeCl storage systems that are inspected are magnetically coupled (or magnetic drive) pumps with no externally actuated shaft penetrating the pump housing that meet the exemption criteria specified at §63.163(f). However, Croda has also elected to inspect and monitor these pumps as a conservative approach to complying with Subpart H.”

Slide 9 of Croda’s slideshow entitled “Discussion of EPA NON and Show Cause Notification for Croda, Inc.,” presented to EPA Region 3 on January 27, 2016 at the Philadelphia offices of Pepper Hamilton, L.L.P., indicates that there are 22 pumps at the Facility. Five of these pumps are currently part of the PMPU, and of those pumps, Croda indicates that:

- 4 of these are in gas service and not subject to monthly monitoring requirements under 40 CFR 63.163 (pumps in light liquid service); and
- 1 less than 300 hours of service (exempt per 40 CFR 63.160(a)).

Please explain the discrepancy regarding the number of pumps and the LDAR phase of service for the pumps between Croda’s March 30, 2015 Information Request response and the information Croda provided on Slide 9 of the January 27, 2016 slideshow.. For any pumps that Croda is claiming to be in gas/vapor service, please provide the following information:

- The chemical composition of the gas/vapor that passes through the pump, including % concentration for each component, and temperature of the gas/vapor at the point of the pump;
  - The pump specifications, including manufacturer and model number, as well as any manufacturer’s documentation that Croda has regarding the pump.
6. Please provide a detailed explanation as to how Croda ensures compliance with its site-wide volatile organic compound (VOC) emission limit of 50 tons/year in any consecutive 12-month period, and its site-wide HAP emission limit of combined total HAP emissions of 25 tons/year in any consecutive 12-month period and any single HAP emissions of 10 tons/year in any consecutive 12-month period found in Section C, Condition No. 005 of its Title V Operating Permit. Include descriptions of any control devices, batch limits, or other emissions calculations that Croda utilizes to assure compliance with the site-wide emission limit for VOC and HAPs.
  - 7.
  8. Please provide Potential to Emit (PTE) calculations for each source in the Title V Operating Permit that has a VOC and/or HAP emission limit with an explanation as to how Croda calculated the PTE for each source.
  9. Please provide the 12-month rolling site-wide VOC and HAP emissions broken down by source for the period covering 2013-2015. Please include a detailed narrative explanation as to how Croda calculated these emissions.





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**ENCLOSURE 3:**

**STATEMENT OF CERTIFICATION**

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

Croda is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's (EPA) request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act.

I certify that I am fully authorized by Croda to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: \_\_\_\_\_

Name (Printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



## **ENCLOSURE 4:**

### **Confidential Business Information (CBI)**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under Section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. Part 2, Subpart B. Under Section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, Subpart B, "business confidentiality" means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." *See* 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, Subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business's competitive edge. *See* 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. *See* 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.





2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this information request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by EPA as entitled to confidential treatment if, when it is received by EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.



